



12-29-03

3728

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
RESPONSE TO NOTICE OF ABANDONMENT UNDER CFR 1.53[f] OR [g]
ART UNIT 3728

APPLICANT – ANNA MECCA

TITLE – TOUCH UP COSMETIC COMPACT

SERIAL NUMBER – 10/024,823

FILING DATE – 12/18/2001

RECEIVED
JAN 02 2004
TECHNOLOGY CENTER R3700

MAIL STOP – NON FEE AMENDMENT

COMMISSIONER FOR PATENTS

P. O. BOX 1450

ALEXANDRIA, VA 22313-1450

Dear Sir:

On 12/23/03, the undersigned received a copy of the above identified Notice of Abandonment, CERTIFICATION No. 4267, stating that a Notice to File Missing Parts mailed on 01/22/2002 was mailed to applicant and no reply was received. A copy of the Notice is attached.

The undersigned mailed the above identified application as an express mail package [E7760486694US] on 12/18/01 and had carefully reviewed all proper documents that were included in the package.

I attach a copy of the utility patent application transmittal form listing all of the application elements which were included in the package and identifying the express mailing.

I received a return postcard from the Office acknowledging proper receipt of all filed documents. I attach a copy of the return postcard. This receipt clearly acknowledges that the Patent Office received all proper documents as listed on the postcard. If parts of the application were missing, the Patent Office should have issued a Notice to File Missing Parts rather than authenticating proper filing by sending out the return post card.

I subsequently received Confirmation No. 4267 Filing Receipt bearing mailing date of 01/22/2002 copy attached. This document confirms the proper filing accepted on the return post card and bears the mailing date of 01/22/2002. This mailing date is identical to the Notice to File Missing Parts that the Confirmation Letter states was mailed on 01/22/02 to the undersigned. on the same date. Clearly Confirmation No 4267 Filing Receipt and the mailing date given to the Notice of Missing Parts are identical and are inherently contradictory. How could the Patent Office issue the Filing Receipt document and confirm that all parts of the application had been properly received and on the same date issue the Notice of Missing Parts?

Applicant assumes that for some reason the Notice to File Missing Parts was never properly mailed. In any event, he never received it and cannot respond to it because he does not know what parts are missing.

In fact, applicant submits that the attachments described and attached above confirm his position that the application was complete in every detail when filed and perhaps some parts of the application were misplaced or improperly filed after receipt in the Office.

Applicant will of course furnish copies of what ever parts have been found missing once he is informed as to what copies are needed. However, applicant respectfully submits that the Notice of Abandonment should be withdrawn and that this application should be restored to pending status so that an appropriate action can be issued by the Office once the Office file is complete.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Theodore Jay'.

Theodore Jay, Registration Number 17071

16 N. Chatsworth Ave.

Suite 600

Larchmont, NY 10538

Tel 914 834 3769

December 26, 2003



UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 26 2003

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/024,823	12/18/2001	Anna Mecca	

THEODORE JAY
 SUITE 600
 16 N CHATSWORTH AVE.
 LARCHMONT, NY 10538

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CONFIRMATION NO. 4267

ABANDONMENT/TERMINATION
 LETTER



OC000000011505807

Date Mailed: 12/16/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/22/2002.

- No reply was received.

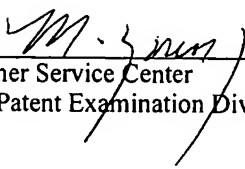
A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

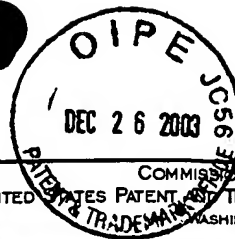

 Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



MAIL DATE CANCELLED

UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/024,823	12/18/2001	3728	370		3	6	1

CONFIRMATION NO. 4267

FILING RECEIPT



OC00000007341914

THEODORE JAY
SUITE 600
16 N CHATSWORTH AVE.
LARCHMONT, NY 10538

Date Mailed: 01/22/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Anna Mecca, Ridgely, NJ;
John J. Slink, Greenwich, CT;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 01/22/2002

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

**** SMALL ENTITY ****

Title

Touch up cosmetic compact

Preliminary Class

206

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Receipt is acknowledged for
patent application papers
of Anna Herrera and John Shubert
for Touch Up Cosmetic Compact
including specification and
claims, 3 sheets of drawings
Declaration + Power of
attorney, assignment and
cover sheet, utility patent
application transmitted forms
Request + Certificate form
return postcard and
check for \$410

10/12/03
12/10/01

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Please type a plus sign (+) inside this box ☐

PTO/SB/05 (03-01)
Approved for use through 10/31/2002. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	
First Inventor	ANNA MECCA
Title	TOUCH UP COSMETIC COMPACT
Express Mail Label No.	ET 760486694 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- ☒ Fee Transmittal Form (e.g., PTO/SB/17) *check for \$40 enclosed*
(Submit an original and a duplicate for fee processing)
- ☒ Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Specification [Total Pages **5**]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
- ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **3**]
- Oath or Declaration [Total Pages **1**]
 - ☐ Newly executed (original or copy)
 - ☐ Copy from a prior application (37 CFR 1.63 (d)) (for continuation/divisional with Box 18 completed)
 - ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

- ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - ☐ Computer Readable Form (CRF)
 - Specification Sequence Listing on:
 - ☐ CD-ROM or CD-R (2 copies); or
 - ☐ paper
 - ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- ☒ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
- ☒ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☐ Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____
Prior application information: Examiner _____ Group Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	<input checked="" type="checkbox"/> Correspondence address below	
Name: THEODORE JAY		
Address: 16 N CHATSWORTH AVE SUITE 600		
City: LARCHMONT	State: NY	Zip Code: 10538
Country: USA	Telephone: 914 831 3769	Fax: 914 833 1864

Name (Print/Type): THEODORE JAY	Registration No. (Attorney/Agent): 17071
Signature: Theodore Jay	Date: 12/18/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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